

Draft Public Policy Committee Meeting Minutes

January 31, 2013

East Conference Room, Joe R. Williams Building

700 W. State Street, Boise, Idaho 83702

Committee Members Present: Dave Dekker, Joe Raiden, Jim Baugh, Jean Christensen, Paul Tierney

Members Absent: Jenn Halladay and Julie Fodor

Guests: Acena Dekker and Suzie Hanks

Staff: Christine Pisani and Amanda Holloway

Joe Raiden, Public Policy Chair, called the meeting to order at 8:40.

Welcome & Review Agenda

Christine introduced Suzie Hanks who was observing in order to provide support to Council members. Introductions were made. Joe asked everyone to review the agenda. Jim added Senate Bill 1010 which removes the caps on services and Senator Durst's proposed legislation about psychotropic medications.

Minutes

Jim Baugh moved to accept the minutes from the October 25, 2012. Jean Christensen seconded. Motion passed.

Review 2013 Legislative Slate & Discuss Updates

Christine directed members to page 10 of the packet for the legislative slate the Council approved in October. There is one Priority 1 issue which is the proposed legislation requiring criminal history background checks for potential guardians and conservators.

Guardianship of Adults with Developmental Disabilities

Christine said that two attorneys had recently voiced concerns about the legislation. **Concern:** The current language is not clear about the court not being allowed to make the decision about guardianship. The language was revised and sent back to the FBI for approval. The FBI has approved the new language and it will most likely have a print hearing next week. Christine asked Rep. Burgoyne if there are certain members on the House Judiciary, Rules and Administration Committee that Council members should talk to, but he felt everyone was

supportive. Christine went over the legislative packets, including fact sheets, Council brochures, legislative mini-directory, legislative contact sheet, address labels, list of Council members, their legislators and the committees they serve on.

Medicaid Expansion

The Governor's Medicaid Expansion committee all voted to expand Medicaid to include anyone whose income is 138 % below poverty level. There would be a huge positive impact to the state. Several counties are struggling with the demands on their indignant programs and this would provide relief by insuring people who currently do not have insurance. Jim said in the State of the State address, the Governor indicated that he wanted to wait so they could do more research. However, there are still conversations that Medicaid expansion may happen this year.

Paul asked if the Governor is for the state health exchange. Jim said there are a number of legislators against this. The Governor's Health Insurance Exchange committee all thought we should go ahead. Jim said that they have decided to contract with a non-profit group that has already developed an insurance exchange for states to adopt. Christine asked if there is a way we can look at it to see if serves people with disabilities well. Jim isn't sure if we can do that now. Jim said the Florida "cure" is a managed care structure. Christine asked if Florida carved people with disabilities out of the picture. Jim said that was not the intent.

Christine said that she and Joe met with Rep. Wood and Rep. Perry about restoring dental. Rep. Wood encouraged them to look at the affordable care act to see if people on the Medicaid Enhanced plan, like Joe, would be able to access dental that way. Jim said it is not developed so we cannot look at it to see what service are offered or covered. Jim said we know it has to look like the basic package that a company like Blue Cross would offer. Jean said that her husband sells insurance and Blue Cross offers dental. Joe asked if he would have to pay for this insurance. Jim said that the federal government will help pay the insurance premiums. People above a certain income bracket have to buy insurance or they have to pay a penalty (tax), the penalty is generally less than the cost to buy insurance. Below that bracket, those people will get assistance from the feds and you may have to pay 75%, people making less than that the feds will buy their insurance. There is a group of people that can get Medicaid through expansion. The group of people that fit into the Medicaid expansion level is at an income

level of \$12,000 for one person. Christine asked if this is something we could encourage. Jim said there may be more information out there about the federal benefit package. Jean said she knows that health insurance companies do not have that information either. Jim's current recommendation is that we should be doing our part to promote Medicaid expansion. Christine clarified that Medicaid Expansion is not one of the issues that we are asking Council members to talk to their legislators about. Jim is working on a fact sheet that we will share with Council Members to talk their legislators about if they want.

Restoring Service Cuts

Marilyn and Jim spoke with Elizabeth Criner who represents the Idaho Dental Association in the legislature. Ms. Criner has spoken with Senator Cameron about restoring dental to the enhanced plan. Jim said they looked at how preventative dental could be expanded to more people without offering it to everyone on the enhanced plan, but there really isn't a way to do that. So we would have to make a case about why everyone on the enhanced plan should receive preventative dental services. Dave said people are getting tooth infections and it goes into their bloodstream, they go septic and end up on a respirator. Paul asked about the case that it's proven that preventative dental care makes your overall health better and there are less costly care in the long run. Jim doesn't think it is time to give up on the dental, but people need to be aware that it is an uphill battle. Christine said if you or your family has issues with dental she would encourage you to talk to your legislator about it. Joni asked for clarification about who can receive preventative dental. Jim explained that if you are an adult on the basic Medicaid plan, you do not have preventative dental. If you are on the A&D waiver, the DD Waiver or a child you have access to preventative dental.

Christine said that last year PSR and dental were restored for people on the DD and A&D waivers. There is an issue that individual budgets were not increased to cover the services even though money was allocated for this. Jean said that mental health services have always been part of the budget methodology; even though PSR was removed any mental health services were still considered. Christine said that the issue is that the budgets are not enough to cover PSR and DT. Jean said people can appeal their budget to increase it for PSR and DT based on health and safety issues. Christine, Marilyn and Jean will work to put together something about the appeal process for the FAQs section of the website.

Jim talked to Paul Leary who indicated that when Idaho moves to a managed care system, individual budgets will no longer be an issue. This will happen first for Behavioral Health (mental health and substance abuse treatment). The Department will have a contract with a managed care organization (MCO) that will pay them per member, per month for all the people enrolled. This contract will begin July 1. Christine asked if a person has a dual diagnosis how easy will it be to access the mental health managed care system. Jim and Jean are hoping that it is seamless or near seamless. Jim said it depends on how the contract goes together, what the managed care organization provider contracts look like and whether a person's provider is in the network. However, if a provider is not in the network it could be very confusing for a person that has to find a new provider and one that understands their needs. Marilyn asked if a person that is receiving PSR could encourage their provider to become part of the MCO provider network. Jim said he doesn't think it is necessary because if the provider is not part of the network they will likely go out of business.

Managed Care

Christine said currently in Idaho we have two managed care programs Idaho Smiles and AMR (transportation). DHW is working on moving towards two more managed care contracts. The behavioral health contract will be in place the end of January or February and will be implemented July 1, 2013. The second contract is for people that are dually eligible, meaning they qualify for both Medicare and Medicaid. Jean said that CMS has approved Idaho's plan. A self-directed option is required. Jim and Jean thought there might be a report to the Health and Welfare committees about this, but no action by the legislature. Jim said we should consider making legislators aware of our concerns about services for people with developmental disabilities are covered in a managed care plan. The DHW will have to issue a request for proposals (RFP) and insurance companies will respond to this with their proposals. They will have to come up with a plan on how to serve people who are dually eligible and explain how they will create a provider network to serve them. They will then submit this plan to the Department of Health & Welfare (DHW). DHW will select at least two insurance companies and negotiate contracts to provide these services. In Idaho, there are 1,381 people who are dually eligible.

Futile Care

Jim said that is nothing to worry about this session.

Senate Bill 1010

Removed caps to mental health services. A cap is the maximum number of hours you can receive services in a given amount of time. This bill will take effect the same time the managed care program for behavioral health will go into effect. The managed care contract will determine the services that people will get, not the current caps in law. Jim does not see any reason to oppose Senate Bill 1010. Christine asked about the penalty to an MCO if a person has to receive psychiatric hospitalization.

Other Issues

Disability Advocacy Day (DAD) at the Capitol, hosted by CID, is Friday, February 8. The two Health and Welfare committees will hold a joint listening session that morning from 8-10. About 40 people will have time to testify. If you want to testify be at the Capitol by 6:00 am. For DAD, about 26 organizations will have display tables on the fourth floor of the capitol. We are really encouraging people to make appointments with the legislators and talk with them about our issues. Richelle Tierney is making invitations for legislators to have them come up to the fourth floor to visit us and learn more about our organizations.

Adjourned

The meeting was adjourned at 10:15